

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, et al., : No. 1:02-CV-00107

Plaintiffs :

-vs- :

PROPOSED ORDER

BOARD OF COUNTY :
COMMISSIONERS OF :
HAMILTON COUNTY, OHIO, et al., :

Defendants :

Upon the hearing held on August 18, 2004, the Court makes this order, which defines in more detail the role of the Ombudsman appointed to monitor the water-in-basement program (WIB Program) of the Consent Decree (Doc. 129) in this case:

The Ombudsman has the role of promoting the fair and efficient administration of the WIB Program. The Ombudsman shall investigate customer and other complaints arising out of the WIB Program. The Ombudsman shall facilitate the resolution of problems related to the cleanup program, property damage claims, and prevention measures for customers. The Ombudsman will also assist in resolving any systemic problems with the implementation of the WIB Program.

The Ombudsman shall be served with all filings in the case by the parties, be provided with all reports done by the parties under the Consent Decree, and will participate in all case conferences.


Defendants shall provide the Court, all parties to the case, and the Ombudsman, quarterly reports on the progress of the WIB Program on November 1, 2004, and every 90 days thereafter. Each report shall include the following:

1. Concerning the Customer Service portion of the program - The number of WIB incidents reported to MSD, the number of such incidents placed in the Customer Service Program and the number of cleanups performed;
2. Concerning claims about property damage - The number of claims for property damage made by customers, the number of claims settled, the number of claims denied, and the number of claims in process;
3. Concerning the Prevention Program - The number of properties added to the Prevention Program, the status of work and schedule for completion, and the number of prevention projects completed;
4. An analysis of how and whether implementation of the Long-Term Control and the Capacity Assurance Program plans have affected the WIB Program.

Defendants, in cooperation with the Ombudsman, will provide further notice to customers of the WIB Program, including written individual notice of the existence and a description of the program and the role of the Ombudsman in addressing questions and problems. The specific content and method of notice shall be arranged by the Defendants in consultation with the Ombudsman. The notice to customers shall be provided within 30 days of the date of this order.

The Ombudsman will notify the parties and the Court of the need for further proceedings regarding the implementation of the WIB Program of the Consent Decree.

SO ORDERED
Dated: August 18, 2004


S. Arthur Spiegel
United States District Court Judge